IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

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JOHNNY BERNAL, on Behalf  )
of Himself and Others     )
Similarly Situated        )
                          )
vs.                       )  CASE NO. SA-07-CA-0695-XR
                          )
VANKAR ENTERPRISES, INC., )
d/b/a BABCOCK BAR, CHICAGO)
BAR, INC., and TDS        )
ENTERTAINMENT, INC., d/b/a)
DIXIE'S COUNTRY BAR       )
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ORAL DEPOSITION

JOHNNY BERNAL

July 17, 2008

ORAL DEPOSITION OF JOHNNY BERNAL, produced as a witness at the instance of the Defendants Vankar Enterprises, Inc., d/b/a Babcock Bar, and TDS Entertainment, Inc., d/b/a Dixie's Country Bar and duly sworn, was taken in the above-styled and numbered cause on the 17th day of July, 2008, from 1:06 p.m. to 2:34 p.m., before Kathleen Ullrich, Certified Shorthand Reporter in and for the State of Texas and Registered Professional Reporter, reported by computerized stenotype machine at the offices of Edward L. Piña, The Ariel House, 8118 Datapoint Drive, San Antonio, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Exhibit B

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A It was the same paycheck that I got from every place.

MR. PIÑA: I'll pass the witness.

(Passed the witness at 2:14 p.m.)

FURTHER EXAMINATION

Q (BY MR. DEBES) Johnny, during the time that you worked at the bars, did your cash register ever come up short?

A Yes, sir.

Q Did you ever have occasion when a customer would walk a tab?

A Yes, sir.

MR. PIÑA: Objection.

Q Can you explain to the jury what would happen under those two circumstances.

A If the drawer was short, it would come out of our tips, which is why I would get so upset, because we'd walk out of there with nothing, with no money sometimes, because we owed so much money.

And I'd been working there for so long, and if someone walked their tab, it was very upsetting because that would also come straight from our tips.

Q Okay. During the period of time that you worked for Mr. Karam's bars, did either of those two things -- Strike that.

How often would one of those two things happen, either shortages or a walked tab?
A Every single night.
Q Every single night?
A Every single time that I ever worked there, there was always a shortage or some sort, or someone would walk a tab, or both. We would actually complain, because it would be such a slow night, and either just me or even someone else, and we'd just come up short a decent amount of money.
And I'd get upset saying there's no way we're short that money, it was slow, look at the sales, and they'd still make us pay it.
Q Okay. Were you present when Paul Neafie was deposed here today?
A For a little bit.
Q Okay. And I apologize, I can't remember when you came in, but were you here when I was asking him questions about the cleaning crew, the money that he put into the envelope for the cleaning crew?
A Yes, I was.
Q Did you ever personally see Mr. Neafie put money in an envelope for the cleaning crew?
MR. PIÑA: Objection, leading.
A I did. I did.

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MR. PIÑA: Objection.
A 101 minus 30 is, what, 71.
Q Okay. Johnny, which bars did you work for while under Mr. Karam's employ?
A I worked at Dixie's, Babcock Bar, Chicago Bar, and I was never on the schedule at Broadway, but if I was ever hanging out there and they got busy, they'd pull me in. I didn't actually work there.
Q Okay. Did you always work the -- like I think Alisa told us she worked the happy hours. Did you have a shift that you worked more than the other, one more than the other?
A Like a certain bar or a certain date?
Q No, like Alisa said she worked the happy hour shift. But there was a night shift?
A Oh, no, I always worked the night.
Q Okay. Except when you filled in for the happy hour on occasion?
A That didn't happen for too long. I did that a few times. But the majority of the time, I worked all night shifts, all bar shifts.
MR. PIÑA: Object to the response.
Q Okay. What time of the day would you go in to start your normal shift?
A Normal shift, you're supposed to be there at

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